

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HENRIETTA MELTZER, JEROME S. BRESLAW,
SOLOMON SHAPIRO, HENRY ARKIN,
PATRICIA D. FRED A, MARK STAHL,
HARVEY BAYARD and ABRAHAM STAHL,

Plaintiffs,

-against-

ORDER ADOPTING REPORT &
RECOMMENDATION
03-CV-5521 (JS)(WDW)

ROYAL ACCEPTANCE CORP.,
RIT AUTO LEASING GROUP, INC., and
RICHARD TOPOREK,

Defendant/
Third-Party Plaintiffs,

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Appearances:

For Harvey Bayard: Glenn Backer, Esq.
292 Madison Avenue, 22nd Floor
New York, NY 10017

For Remaining Plaintiffs: Mitchell Sundel, Esq.
22 Broadway, Suite 307
New York, NY 10007

For Defendants:
Royal Acceptance and
RIT Auto Leasing No Appearance

Richard Toporek No Appearance

SEYBERT, District Judge:

Upon review of the Report and Recommendation of Magistrate Judge William D. Wall issued March 8, 2006, to which no party has objected, the Court hereby ADOPTS the Report and Recommendation in its entirety. The Court enters a judgment of default against Defendants Royal Acceptance and RIT Auto Leasing (the "Corporate Defendants"). A calculation of damages is

postponed until the case is resolved as to Defendant Richard Toporek. In addition, the Court DISMISSES the Corporate Defendants from the Third-party Complaint.

Magistrate Judge Wall served the Plaintiffs with a copy of the Report and Recommendation via the Eastern District of New York's Electronic Case Filing System ("ECF") and a copy was mailed to all Defendants. The Report and Recommendation provided that any objections were to be filed with the Clerk of the Court within ten days of the date of service. The time for filing objections has expired and no Party has objected. Accordingly, the Court deems all objections waived.

Therefore, the Court ADOPTS Magistrate Judge Wall's Report and Recommendation in its entirety. Plaintiff is ORDERED to serve a copy of this Order upon Defendants via first class mail within ten days of the date of this Order.

SO ORDERED

Dated: Central Islip, New York
March 28, 2006

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.